STATE OF MARYLAND
PUBLIC SERVICE COMMISSION

In the Matter of the Merger of	*	
AltaGas Ltd. and WGL Holdings, Inc.	*	Case No. 9449
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OFFICE OF PEOPLE'S COUNSEL'S MOTION TO ESTABLISH A CORRECTIVE ACTION PLAN AND IMPOSE CIVIL PENALITIES OR, ALTERNATIVELY, TO ORDER WASHINGTON GAS LIGHT COMPANY TO SHOW CAUSE WHY THE COMMISSION SHOULD NOT IMPOSE CIVIL PENALTIES

The Maryland Office of People's Counsel moves the Commission to order Washington Gas Light Company to establish a corrective action plan to address serious deficiencies in its customer service. Further, OPC moves the Commission to impose civil penalties on Washington Gas pursuant to its authority under section 13-201 of the Public Utilities Article ("PUA") for violations of Condition 11 of Order No. 88631 and COMAR 20.55.04.10, 20.55.04.11, and 20.32.01.03, or to order Washington Gas to show cause why it should not be subject to civil penalties.

INTRODUCTION

On April 4, 2018, the Commission approved AltaGas's acquisition of Washington Gas.[1] As part of its approval, the Commission found that the transaction met the requirements found in § 6-105 of the Public Utilities Article so long as the applicants accepted a number of conditions, "which [were] necessary to conform [the] transaction with the public interest."[2] Condition 11 stipulated that "AltaGas will continue to devote

[1] *See* Commission Order 88631 (CN 9449, April 4, 2018).
[2] *Id.* at 33-34. The Commission's use of "public interest" here also reflects its consideration of the other requirements of § 6-105, as the Commission stated it was "charged . . . with the task of ascertaining the

resources necessary to maintain current service quality and reliability levels and standards under existing Commission orders and regulations."[3] Condition 11F outlined a requirement for the applicants to continue to file Customer Service Quality Reports on a quarterly basis, and to also submit within 60 days a root-cause analysis and measurable plan to improve current customer service scores.[4] The purpose of the reports was to "allow [the Commission] to review objective data as to whether customer service within Washington Gas's service territory is in fact improving post-merger,"[5] in order to support Washington Gas's assertion that it had "adequately mitigated any potential harms to consumers."[6]

In its first report filed after its acquisition, Washington Gas submitted the prescribed root-cause analysis of its customer service performance and recommendations made by an outside consultant for improvement.[7] The assessment identified several metrics in which Washington Gas's customer service contractor, now Faneuil, fell short of industry benchmarks.[8] The root-cause analysis of these shortcomings identified

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public interest . . . and then, within the broader public interest notion, whether the transaction will offer benefits and no harm to consumers." *Id.* at 31 (internal quotations omitted).

[3] *Id.* at A-8.

[4] *Id.* at 57 and A-9. The quarterly Customer Service Quality Report filing requirement was first established for Washington Gas during a rate case in 2008. During that rate case, Washington Gas disclosed that it had outsourced a large portion of its business functions, including customer service operations, to a third-party contractor (Accenture at the time). The Customer Service Quality Reports were required so that the Commission could track customer service levels and ensure service quality was not negatively impacted by the outsourcing arrangement. *See* Proposed Order of Hearing Examiner (CN 9104, Sept. 4, 2008) Mail Log 112370 at 23.

[5] Order 88631 at 57.

[6] *Id.* at 32.

[7] Case No. 9449, Washington Gas Light Company Customer Service Metrics Report Condition 11F on January 3, 2019, Mail Log 223447. The assessment was completed by Dixon Hughes Goodman, LLP, a certified public accounting firm.

[8] *Id*.

several areas of concern that Washington Gas should address to improve its customer service performance.[9] One of the chief causes of the missed metrics was Faneuil's lack of sufficient staffing levels, which led to an inability to handle the typical level of customer service inquiries in Washington Gas's territory.[10]

In response to a subsequent Commission order,[11] Washington Gas submitted a filing addressing identified areas of concern.[12] The filing stated that, among other initiatives, Washington Gas had implemented both a new "quality plan" and "customer advocate retention plan" to improve staffing levels and ensure that metrics were met.[13] Washington Gas committed to maintaining close oversight of Faneuil's operations, including detailed reporting by the contractor and frequent touchpoints to address trouble areas.[14] Washington Gas's quarterly reporting obligations to the Commission, and its obligation to oversee its customer service contractor in compliance with its own plan, have remained in place up to the present.

While the Commission anticipated that Condition 11F would "provide us with a measurable plan to improve Washington Gas's customer service scores,"[15] the plan has failed. Washington Gas customers continue to report egregiously poor customer service experiences, including extremely long wait times to speak to a representative, unresolved

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[9] *Id*.
[10] *Id*.
[11] *See* Commission Order 89057, (CN 9449, March 7, 2019).
[12] Case No. 9449, Follow-Up Report on Customer Service Metrics on May 1, 2020, Mail Log230040.
[13] *Id*.
[14] *Id*.
[15] Order 88631, supra, at 57.

billing and service issues, and delayed action on reports of emergencies.[16] This drastic decline in customer service—described and quantified more fully below—has effectively eliminated any reliable communication avenue between customers and Washington Gas. Washington Gas has thus violated Condition 11, because it has not devoted the resources necessary to ensure continued compliance with all Commission regulations. In particular, Washington Gas's failure to devote enough resources to customer service has made it impossible for customers to successfully and promptly communicate complaints and disputes. Because Washington Gas cannot receive complaints and disputes, it is unable to satisfactorily resolve them or report them pursuant to its obligations under COMAR 20.55.04.10, 20.55.04.11 and COMAR 20.32.01.03.

Washington Gas's declining customer service and resultant violations of regulations warrant further Commission action. OPC moves the Commission to establish a corrective action plan that sets clear customer service performance metrics for Washington Gas going forward and that imposes civil penalties for failing to meet those metrics. Additionally, OPC moves the Commission to impose civil penalties for Washington Gas's current violations of Condition 11 and the referenced regulations, or, in the alternative, to order Washington Gas to show cause why such civil penalties should not be imposed.

[16] *See* https://www.washingtonpost.com/transportation/2021/09/11/washington-gas-customer-service/. *See also* hundreds of comments posted directly to Washington Gas's Twitter page in response to a tweet about customer service, https://twitter.com/washingtongas/status/1429775462675460097.

ARGUMENT

I. Washington Gas has provided poor customer service to its customers following its acquisition by AltaGas.

Recently, customer service complaints against Washington Gas have reached extraordinary levels.[17] Customers are reporting long wait times to speak to a representative and an inability to reach Washington Gas to resolve urgent issues, such as interruptions in service or substantial billing errors, among other complaints.[18] Over 60% of the complaints OPC has received in its current fiscal quarter have been about Washington Gas. Other jurisdictions are reporting similarly high volumes; complaints to regulators in Virginia, for example, have grown to about 50 per day as of mid-September.[19] Washington Gas has acknowledged that customers have encountered wait times of "multiple hours" attempting to contact the utility.[20]

A review of Washington Gas's Customer Service Quality Reports filed since the acquisition and through the second quarter of 2021 show that almost every metric that was targeted in the initial 2019 root-cause analysis has worsened. The table below shows a listing of several of those metrics, the industry benchmark for achievement per metric, the three-year average value prior to the acquisition, and the average of all post-acquisition values reported by Washington Gas.[21]

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[17] *See* https://www.washingtonpost.com/transportation/2021/09/11/washington-gas-customer-service/.
[18] *Id*.
[19] *Id*.
[20] *Id*.
[21] Data for the post-acquisition averages comes from the following Washington Gas quarterly Customer Service Quality Report filings in Case No. 9104: Sept. 4, 2019 (Mail Log 226663), March 2, 2021 (Mail Log 234000), May 19, 2021 (Mail Log 235334), Aug. 23, 2021 (Mail Log 236762). Data for the industry

Metric	Industry Benchmark	Pre-Acquisition 3-year Avg.	Avg. Post Acquisition
Calls answered within 30 secs (%)	82	77	43
Calls abandoned (%)	8	11	28
Answer speed (seconds)	30	42	566
Longest wait (mins)	8	41	67
Received calls answered - peak interval (%)	90	82	63
Calls abandoned - peak interval (%)	8	26	45
Avg speed to answer - peak interval (secs)	30	237	923
Longest wait - peak interval (mins)	8	10	33

These metrics demonstrate an alarming decline in customer service quality. Washington Gas representatives are taking 13 times longer to answer the phone now compared to before the acquisition. The average percentage of calls abandoned before a customer can speak to a representative has more than doubled since the acquisition. The amount of time customers are waiting on hold to get resolutions to their inquiries is eight times higher than the industry standard.

The concerning averages indicated in the chart are not simply the result of a few outliers. The data from Washington Gas's quarterly reports points to clear and sustained trends of poor performance in these metrics. The graphs below illustrate these trends for some of the metrics in which Washington Gas's performance is particularly poor.[22]

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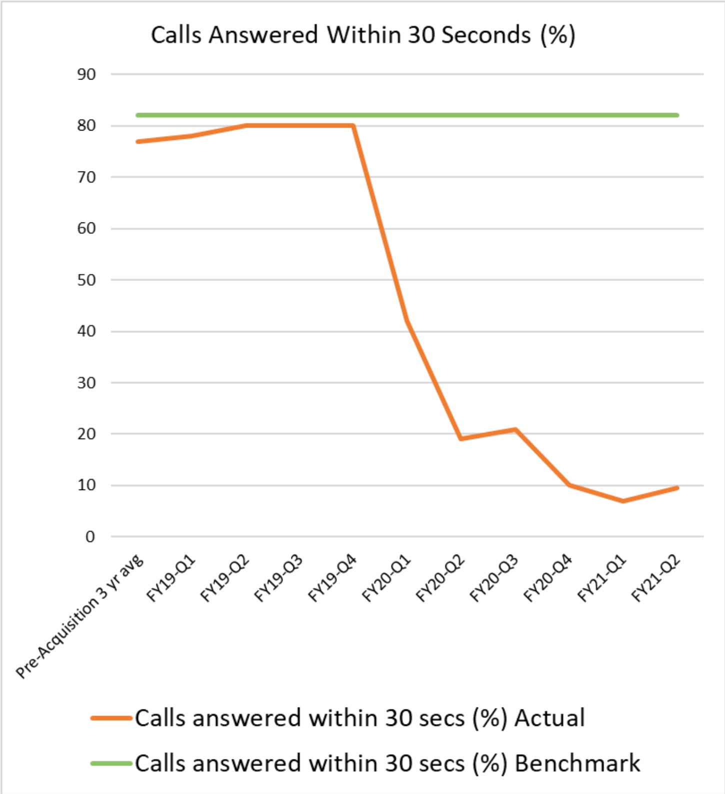
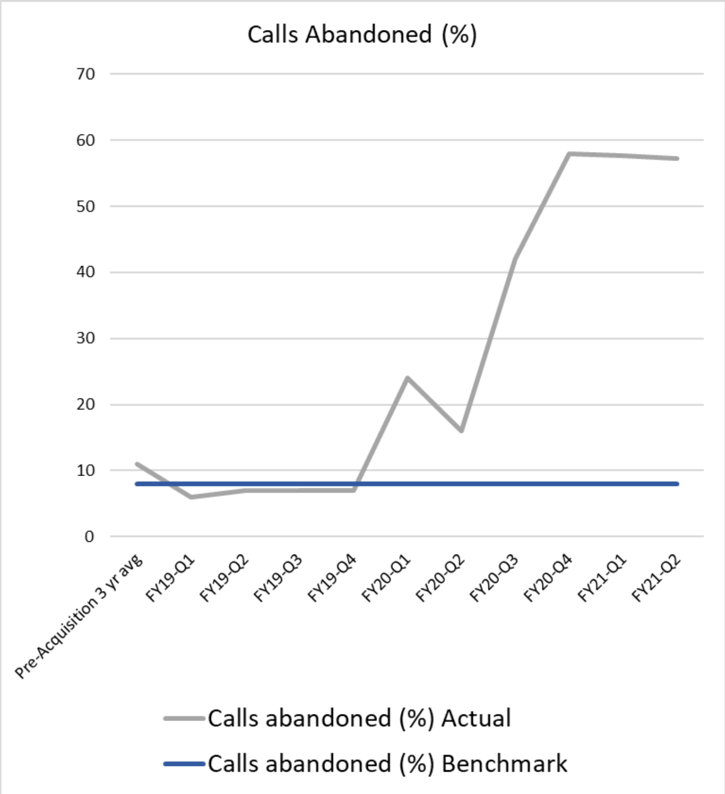
benchmarks and pre-acquisition averages comes from Case No. 9449, Customer Service Report Jan. 3, 2019 (Mail Log 223447).

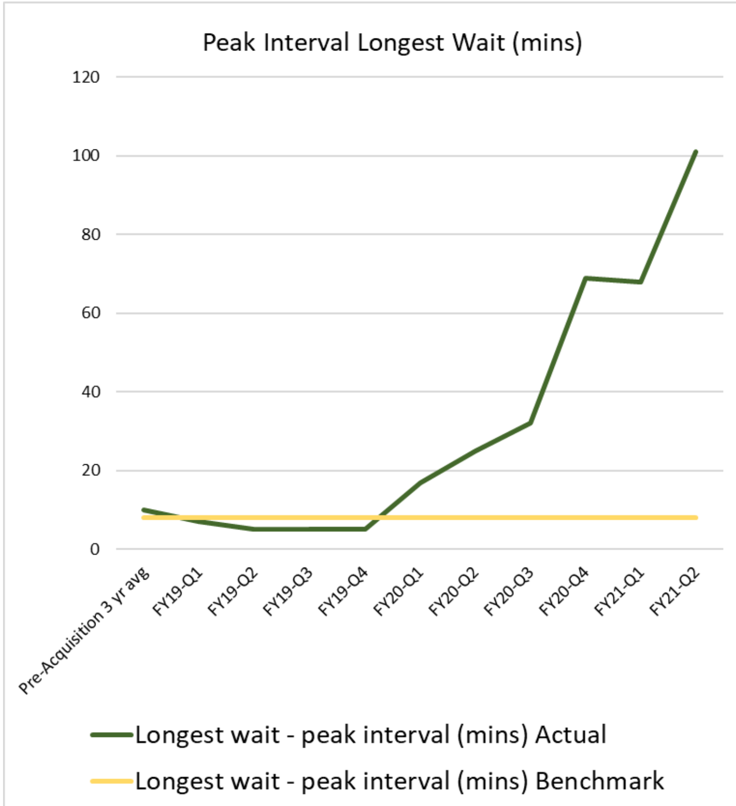
[22] *Id.*

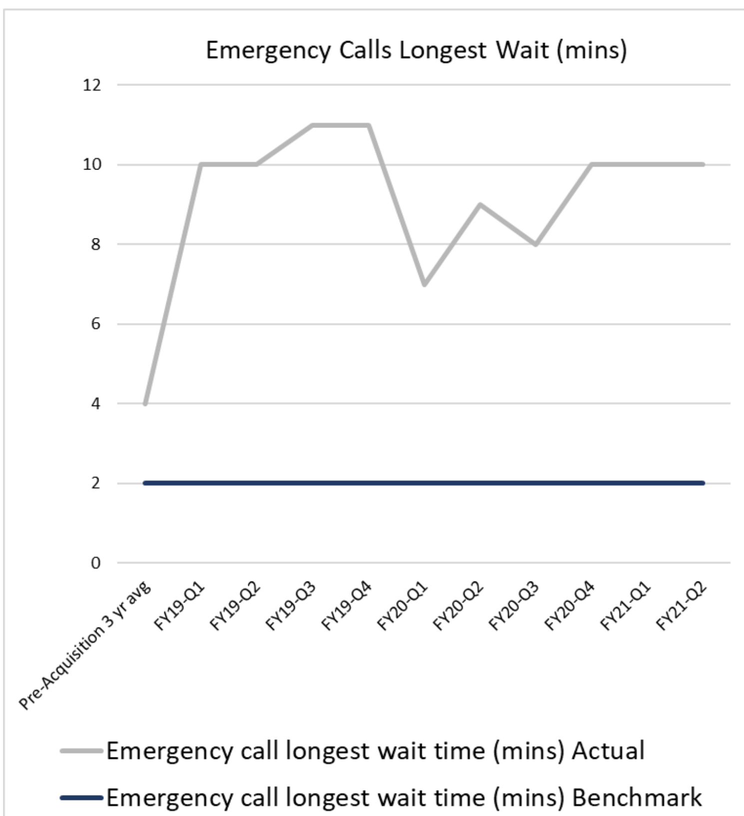


Calls Answered Within 30 Seconds (%)
90
80
70
60
50
40
30
20
10
0
Pre-Acquisition 3 yr avg
FY19-Q1
FY19-Q2
FY19-Q3
FY19-Q4
FY20-Q1
FY20-Q2
FY20-Q3
FY20-Q4
FY21-Q1
FY21-Q2
Calls answered within 30 secs (%) Actual
Calls answered within 30 secs (%) Benchmark



Calls Abandoned (%)
70
60
50
40
30
20
10
0
Pre-Acquisition 3 yr avg
FY19-Q1
FY19-Q2
FY19-Q3
FY19-Q4
FY20-Q1
FY20-Q2
FY20-Q3
FY20-Q4
FY21-Q1
FY21-Q2
Calls abandoned (%) Actual
Calls abandoned (%) Benchmark


Peak Interval Longest Wait (mins)
120
100
80
60
40
20
0
Pre-Acquisition 3 yr avg
FY19-Q1
FY19-Q2
FY19-Q3
FY19-Q4
FY20-Q1
FY20-Q2
FY20-Q3
FY20-Q4
FY21-Q1
FY21-Q2
Longest wait - peak interval (mins) Actual
Longest wait - peak interval (mins) Benchmark


Emergency Calls Longest Wait (mins)
12
10
8
6
4
2
0
Pre-Acquisition 3 yr avg
FY19-Q1
FY19-Q2
FY19-Q3
FY19-Q4
FY20-Q1
FY20-Q2
FY20-Q3
FY20-Q4
FY21-Q1
FY21-Q2
Emergency call longest wait time (mins) Actual
Emergency call longest wait time (mins) Benchmark

Washington Gas's most recent filing shows that the negative trends are ongoing. In the second quarter of 2021, it reported an average answer speed of 1,281 seconds (over 21 minutes), when the industry benchmark is 30 seconds. The filing further shows that 57% of calls were abandoned, when the industry benchmark is 8%, and that customer satisfaction had dropped to 83%, when the industry benchmark is 85%.[23] Not only is Washington Gas failing to improve metrics that were already substandard, but metrics that were almost in line with industry benchmarks are now declining as well. The longest wait time for Washington Gas customers making emergency calls, for example, was quadruple the industry benchmark in the last filing, as demonstrated in the graph above.[24] These figures represent a small selection of statistics showing poor customer service levels almost across the board.

II. Washington Gas's customer service levels are unacceptable for any utility, but are particularly unacceptable in light of Condition 11F.

Washington Gas's customer service levels have been under scrutiny since 2008, when it decided to outsource its customer service function to a third-party contractor. The Commission, Staff, and OPC routinely expressed concerns about the quality of performance Washington Gas's contractor was providing, and the resultant negative consequences suffered by Maryland consumers. PUA § 5-303 requires Washington Gas to furnish services that are "safe, adequate, just, reasonable, economical, and efficient." These poor customer service levels fail to meet § 5-303's requirements. In Washington

[23] Case No. 9104, Washington Gas quarterly Customer Service Quality Report Aug. 23, 2021 (Mail Log 236762). Data for the industry benchmarks comes from Case No. 9449, Customer Service Report Jan. 3, 2019 (Mail Log 223447).
[24] *Id.*

Gas's 2018 rate case, the Commission concluded that outsourcing contracts did not appear to provide any customer service benefits to Washington Gas customers.[25] In fact, the reports submitted by Washington Gas demonstrated a "significant diminished performance in several metrics, while others have failed to show improvement."[26] This poor performance signaled a clear need for the Commission to continue to monitor Washington Gas's customer service.

The extreme issues in recent quarters indicate that customer service quality has continued to diminish after the acquisition, despite Washington Gas's obligations that Condition 11F was meant to address. In public statements, Washington Gas has deflected responsibility for its failings to its third-party contractor. Washington Gas states that the contractor has been "significantly impacted by the pandemic" which caused Washington Gas not to "have sufficient numbers to meet the standards that we need to deliver the level of service we expect."[27] As the Commission has stated, however, despite its outsourcing arrangement, Washington Gas is still solely responsible for the provision of safe and reliable service to its customers, including adequate customer service. When it first allowed Washington Gas's outsourcing arrangement, the Commission reiterated that "customer service is an essential utility function and [the Commission] reminds [Washington Gas] that this obligation is not to be taken lightly."[28]

[25] Commission Order No. 88944 (CN 9481, December 11, 2018) at 60.
[26] *Id*. This commentary was in the context of determining whether Washington Gas could recover its Costs to Achieve the outsourcing contracts, which the Commission decided in the negative.
[27] *Id*.
[28] Commission Order No. 84277, (CN 9104, August 22, 2011) at 11.

Washington Gas's recent customer service performance reporting and root-cause analysis conducted in compliance with Condition 11F should have put it in a better position to quickly address any negative customer service impacts resulting from any source, including the pandemic. As stated above, Washington Gas told the Commission that it had put in place several robust plans to monitor customer-service quality and the staffing levels of its contractor. Indeed, it needed to put those plans in place to comply with the Commission's merger conditions for meeting the requirements of PUA § 6-105. But the customer service data and high volume of complaints since the acquisition demonstrate that Washington Gas's plans have fallen inexcusably short of their goal. It may be unclear at this time how and where the plan broke down so significantly, but Washington Gas's performance runs counter to an important premise of the Commission's acquisition approval.

Moreover, Washington Gas has failed to comply strictly with the reporting requirements that were established in case number 9104 and reiterated as part of the Commission's Condition 11F. The Commission found that quarterly report filings were necessary to allow "review [of] objective data as to whether customer service within Washington Gas's service territory is in fact improving post-merger,"[29] and to "protect Washington Gas customers from a decline in customer service quality."[30] Since the Commission's order, Washington Gas has failed to file several of its reports on a quarterly basis. Reports for the first two quarters of 2019 were not filed until September

[29] Commission Order 88631 (CN 9449, April 4, 2018) at 57.
[30] *Id*.

4, 2019,[31] and reports for the second two quarters of 2019 and every quarter of 2020 were not filed until March 2, 2021.[32] This delayed reporting illustrates Washington Gas's failure to take its merger condition seriously and has made it difficult for the Commission and OPC to monitor the data and flag any issues before Washington Gas customers suffered serious consequences.

III. Washington Gas's poor customer service quality violates merger Condition 11 and regulations intended to ensure customer complaints and disputes are addressed adequately.

By its own admission in public statements, and despite it being a focal point of its Condition 11F root-cause analysis, Washington Gas has failed to ensure its contractor maintains sufficient staffing levels to provide adequate customer service.[33] Condition 11 of the acquisition requires AltaGas to "continue to devote resources necessary to maintain current customer service quality and reliability levels under existing Commission orders and regulations."[34] Due to lack of staffing resources, Washington Gas has made it extremely difficult, in some cases impossible, for its customers to communicate requests, issues, and complaints. Since it is practically unable to receive these critical communications, Washington Gas is unable to comply with its obligations under COMAR 20.55.04.10 to "investigate promptly and thoroughly any complaint concerning

[31] Case No. 9104, Washington Gas Light Company Quality Report on September 4, 2019, Mail Log 226663.
[32] Case No. 9104, Washington Gas Light Company Quality Report on March 2, 2021, Mail Log 234000. Additionally, the data for quarters 3 and 4 of 2019 was one set of data that was duplicated and submitted twice, which indicates that data for an entire quarter is missing.
[33] https://www.washingtonpost.com/transportation/2021/09/11/washington-gas-customer-service/.
[34] Order 88631 at A-8.

its charges, practices, facilities, or service."[35] This inability leads to a de facto violation of COMAR 20.55.04.11, which requires Washington Gas to "keep such records of customer complaints as will enable it to review and analyze its procedures and actions as an aid in rendering improved service." Washington Gas cannot be keeping accurate records of customer complaints if it has made it impossible for customers to lodge those complaints.[36]

Washington Gas has similarly violated COMAR 20.32.01.03, which lays out the process for a utility to address customer disputes. Per the regulation, a customer must first "submit any inquiry or dispute directly to a utility," and the utility "shall investigate a customer dispute or inquiry and propose a resolution of the dispute to the customer or report its findings to the customer."[37] By allowing for conditions under which its customers cannot reliably communicate issues, Washington Gas has breached its responsibility to be the first party to receive and investigate customer disputes. Instead, communications about issues are being routed directly to the Commission, OPC, elected officials, and other groups.

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[35] Chapter 55 is specifically applicable to gas utilities, including Washington Gas. *See* COMAR 20.55.01.02.

[36] In fact, Condition 11A of Order 88631 also requires Washington Gas to report to the Commission on all "safety violations, customer service complaints, the time required to satisfy the customer complaints and provide quarterly reports that demonstrate the response time of Washington Gas and the satisfaction or non-satisfaction of the resolution of the customer complaints." Order 88631, supra at A-8. Washington Gas's quarterly filings have consistently been reporting a low number of customer complaints, and successful satisfaction of all of them. In light of all of the complaints that have demonstrably not even reached Washington Gas because of their customer service failings, this reporting cannot be accurate.

[37] COMAR 20.32.01.03.

Washington Gas cannot rely on its own communications failures to absolve itself of its regulatory obligations. Recently, a case came before the Commission that involved a supplier, Gateway Energy Services, failing to respond to a customer's request for a refund, which the Commission's own Office of External Relations had determined was owed.[38] Despite several attempts by the customer and the Commission to make informal contact, Gateway did not respond about the refund until the Commission filed a show cause order.[39] Gateway attempted to excuse its behavior by indicating that it experienced internal miscommunications and staffing turnover that prevented it from being aware of the issue.[40] Ultimately, the Commission issued Gateway a warning and concluded that "[a] company cannot be excused from not having proper measures in place to respond to customer complaints and Commission inquiries. Internal miscommunication within does not constitute non-receipt."[41]

Just as Gateway could not hide behind its own failure to ensure the customer could reliably get in contact, Washington Gas cannot state that it has adequately addressed customer complaints simply because those complainants aren't able to reach it. OPC, for example, has received inquiries from customers who could not get in contact with Washington Gas. The nature of some of those inquiries would constitute complaints or disputes that Washington Gas has a regulatory obligation to promptly address, including

[38] *In the Matter of The Formal Complaint of Narciss C. Porter v. Gateway Energy Services Corp*., Commission Order 88107 (CN 9394, April 4, 2017) at 1.
[39] *Id.* at 2.
[40] *Id.* at 2-3. Specifically, the company stated that the personnel assigned to handle such communications had left the company, and they did not put any measures in place to ensure someone else would step in.
[41] *Id.* at 3-4.

potential erroneous disconnections, service outages, and billing issues. Comments being made by customers via public channels also demonstrate that a large number of potential complaints or disputes are not able to be made to Washington Gas.[42] These conclusions are consistent with the fact that Washington Gas reports that on average over a quarter of its calls are abandoned before a customer gets assistance, and many customers are facing wait times of over an hour to even reach a representative.[43]

Washington Gas's failure to devote proper staffing resources to provide customer service has made it impossible for it to receive certain critical communications from its customers. Because of that, it is impossible for Washington Gas to be consistently addressing, resolving, and properly recording customers complaints and disputes. This failure is a clear violation of the regulations that are in place to ensure complaints and disputes are promptly addressed, and a violation of acquisition Condition 11 that further requires Washington Gas to ensure its compliance with all current Commission regulations.

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[42] *See e.g.* comments to Washington Gas's public twitter post, August 23, 2021, https://twitter.com/washingtongas /status/1429775462675460097. The post has garnered over 240 comments as of mid-September, most of which are apparently from customers who have been unable to reach Washington Gas. For example, a twitter user known a "joanna stover" comments that Washington Gas has failed to credit a payment to her account. Another user known as "Josh Powers" states that Washington Gas is double-charging him through a duplicate account, but since he can't get through to customer service he has had to file a complaint with the BBB. User "Merlyn Nair" reports that she has been unable to get service started to her new home, where her baby who has severe medical issues lives.

[43] *See* data, supra, note 21.

IV. Further Commission action is needed to curtail subsequent declines in customer service quality and ensure compliance with the merger conditions.

The process established by the Commission to ensure that Washington Gas's customer service quality is adequate after the acquisition has failed to produce compliance in the form of customer service improvements. Washington Gas's customers are suffering negative consequences. Commission action is necessary to bring customer service quality in line with the intended outcomes of the acquisition, and in line with Washington Gas's obligations to adhere to all regulations and to provide safe, adequate, reasonable, and efficient service pursuant to PUA § 5-303.

The Commission has broad authority to "supervise and regulate the public service companies subject to the jurisdiction of the Commission"[44] and to impose civil penalties for violations of the Commission's directions, rulings, orders, rules, or regulations.[45] It can also subject companies to fines for failing to make timely reports or furnish information required by the Commission.[46]

OPC moves the Commission to implement a corrective action plan for Washington Gas that includes measurable customer service metric levels consistent with industry standards. As a means of enforcement, if Washington Gas fails to meet the required levels the Commission sets or to provide the required information in a timely manner, the Commission should subject Washington Gas to a civil penalty or fine as authorized by the Public Utilities Article. Washington Gas has an established record of

[44] Public Utilities Article § 2-113.
[45] *Id.* at § 13-201(b).
[46] *Id.* at § 13-205.

providing inconsistent and poor customer service quality and recent events have demonstrated that those problems remain. Commission intervention is necessary to ensure Washington Gas's operations—especially in light of the AltaGas acquisition—are in the public interest.

OPC further moves the Commission to impose civil penalties on Washington Gas under its authority under the Public Utilities Article for its established violations of Condition 11, and COMAR 20.55.04.10, 20.55.04.11, and 20.32.01.03. Repeated admonitions from the Commission regarding Washington Gas's ongoing customer service issues have not been effective in leading to improvement, and in fact have done nothing to prevent further decline. Washington Gas has made it virtually impossible for its customers to communicate with it, which has led to numerous complaints and disputes being ignored or not handled promptly. The plans Washington Gas made following its root-cause analysis, and corresponding assurances to the Commission, have proven completely ineffective. It is appropriate now for the Commission to take elevated action and impose civil penalties as a deterrent for future disregard by Washington Gas of its statutory and regulatory obligations to its customers.

OPC recommends penalties of at least $1,500,000. PUA § 13-201(b) authorizes the Commission to impose a penalty of $25,000 for each violation of a Commission order or regulation. Each violation is a separate offense,[47] and "each day or part of a day the violation continues is a separate offense."[48] To determine a penalty amount, the

[47] PUA § 13-201(c)(2).
[48] *Id.* at (c)(3).

Commission must consider "(1) the number of previous violations. . . ; (2) the gravity of the current violation; (3) the good faith efforts of the violator in attempting to achieve compliance after notification of the violation," and any other factor the Commission deems appropriate.[49]

As stated above, the values for critical customer service metrics such as abandoned call percentage, average wait time, and time to answer calls have been significantly far from industry standards since at least the first quarter of 2020. The values demonstrate that customers have been unable to easily communicate complaints and disputes to Washington Gas during this time. It is thus appropriate to use January 1, 2020, as the beginning date for Washington Gas's violations. That is 638 days from this filing date. Washington Gas is in violation of three COMAR regulations plus acquisition Condition 11. At $25,000 per violation per day, Washington Gas potentially is subject to a penalty of approximately $63,800,000. Even if limited to violations during the third quarter of 2021, Washington Gas would be subject to $9,000,000 in penalties.

OPC asks the Commission to impose a penalty of at least $1,500,000 as sufficient to send a clear signal to Washington Gas that the Commission will not tolerate its continued violations of its merger condition, COMAR, and the Public Utilities Article. This amount considers the extent of time that numerous violations have been ongoing, Washington Gas's repeated failures to address its customer service deficiencies despite notice of its inadequacy, and the gravity of the consequences to Washington Gas's

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[49] *Id.* at (d).

customers. Higher penalties would be permissible and may be appropriate. Should Washington Gas not improve its performance, the Commission could then consider further civil penalties.

Washington Gas's actions constitute a clear violation of its obligations that warrant the imposition of civil penalties without additional hearing. If the Commission is not inclined to impose civil penalties at this time, however, OPC moves the Commission in the alternative to issue Washington Gas an order to show cause as to why such penalties should not be imposed, in which case OPC reserves the opportunity to argue for higher penalties.

CONCLUSION

Washington Gas customers in need of assistance from the utility are finding themselves in a dire situation. They are unable to have their issues addressed but are unable to simply take their business elsewhere, leaving them captive to exorbitant wait times and poor follow-through by Washington Gas. The inclusion of Conditions 11 and 11F in the acquisition order demonstrates that the Commission was concerned that Washington Gas's tendency for poor customer service might imperil the acquisition's conformity with the public interest. This concern has proven to be well-founded, and Commission efforts to ensure Washington Gas put in place sufficient resources and plans to address its customer service shortcomings have failed.

Allowing the current customer service situation to continue will lead to further significant harm to Washington Gas's customers. Immediate and decisive Commission action is warranted to curtail further declines in service levels and resultant damage to customers. A corrective action plan in which the Commission sets appropriate customer service levels and has a civil-penalty option to hold Washington Gas accountable to meeting those levels is one appropriate next step by the Commission. Imposing civil penalties now for Washington Gas's current violations is also necessary to motivate Washington Gas to finally put measures in place to prevent this situation from continuing or reoccurring.

OPC therefore moves the Commission to impose a corrective action plan as outlined above. OPC further moves the Commission to impose civil penalties for Washington Gas's violations for Condition 11 and current regulations. Alternatively, OPC moves the Commission to order Washington Gas to show cause as to why such penalties should not be imposed.

Respectfully submitted,

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September 30, 2021

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30th day of September, 2021, the foregoing "Motion to Establish a Corrective Action Plan and Impose Civil Penalties or, Alternatively, To Order Washington Gas Light Company to Show Cause Why the Commission Should Not Impose Civil Penalties" was either hand-delivered, e-mailed or mailed first-class, postage prepaid to all parties of record to this proceeding.

/electronic signature/
Irene N. Wiggins
Assistant People's Counsel